REMARKS

All the pending claims were rejected as being unpatentable in view of Wu '979 in view JP and Wu '937. Applicants respectfully traverse.

As an initial matter, the Examiner recognizes that Wu '979 does not teach (1) the claimed breathable film material, (2) the claimed water vapor transmission rate, (3) use of a filler material in the film layer, and (4) laminating the film to a biodegradable nonwoven. In addition to the lack of teaching of these features, Applicant notes that Wu '979 also does not teach the specific material forming the claimed non-woven. Despite the lack of teaching or suggestion to modify Wu '979, the Examiner nevertheless looks to Wu '937 and JP 11-048436 and concludes that the presently claimed invention would have been obvious.

Turning now to the specific features, the Examiner concludes that Wu '937 teaches that the claimed polymers are equivalent to the polymers taught by Wu '937. As support for this contention, the Examiner points to col. 2, lines 38-61 of Wu '937. Applicant cannot agree with the Examiner's reading. The portion of Wu '937 that the Examiner refers to recites, in pertinent part, "[a] number of thermoplastic polymers suitable in the practice of this invention are ... dialkanoyl polymers represented by polycaprolactone (PCL) **blended with starch** polymers or PVA that may be film-formed. Other totally biodegradable and/or compostable polymers are polylactides (PLA), starch, and polyesters such as polyhydroxy(butyrate) (PHB), polyhydroxy(valerate) (PHV), and mixtures thereof (PHBV). Thus, Wu '937 teaches only that a PCL blended with starch is recognized as an equivalent. Wu '937 does not teach that PCL is a

recognized equivalent to polylactide. For at least this reason, there is no *prima facie* case of obviousness.

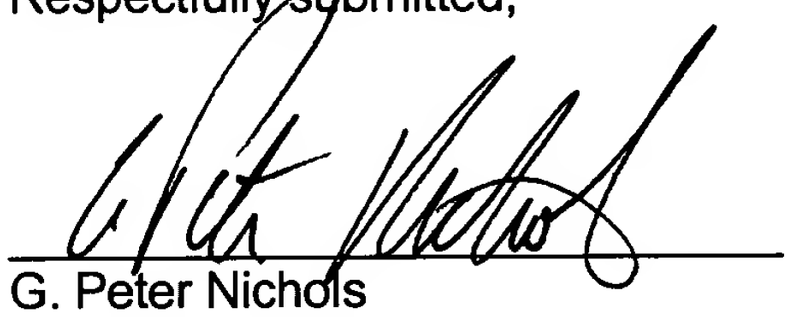
With respect to the claimed water vapor transmission rate, Applicant points out that this feature relates to the laminate material, as a whole, and not just to the film, as the Examiner seems to suggest. The Examiner contends that Wu '979 teach that breathability of the film is due to the stretching of the film. At the same time, the Examiner recognizes that Wu '979 does not teach laminating the film to a biodegradable nonwoven. Consequently, Wu '979 cannot and does not teach a laminate having the requisite water vapor transmission rate. Simply because the film, which constitutes a portion of the laminate has a particular water vapor transmission rate does not teach or suggest that the whole laminate would have the same particular water vapor transmission rate. In other words, a teaching of stretching a single component of the laminate does not necessarily teach stretching the entire laminate.

JP fails to remedy this deficiency. JP simply teaches the use of a particulate material as a bulking agent. JP, however, does not teach or suggest a film containing a filler to achieve a water vapor transmission rate greater than the claimed amount of 3000 $g/m^2/24$ hr. In fact, as shown in Comparative Example C, one skilled in the art cannot simply look to Wu '979 and JP and conclude that the claimed water vapor transmission rate will result. Accordingly, the proposed combination does not teach or suggest the claimed materials.

Finally, with respect to the requirement that the laminate contain a particular biodegradable nonwoven material and a particular filled, biodegradable film, the Examiner submits that one of skill in the art would have formed the nonwoven described in JP '436 from the material taught in WU '937. As Applicant points out above, WU '937 does not teach that PCL are equivalent to polylactide. Therefore, Applicant contends that the present claims are not rendered obvious in view of each of the cited references.

If, for any reason, the Examiner feels that the above amendments and remarks do not put the claims in condition for allowance, the undersigned attorney can be reached at (312) 321-4276 to resolve any remaining issues.

Respectfully submitted,



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